

**TOWN OF DAVIE
REGULAR MEETING
NOVEMBER 1, 2006**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 7:02 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex and Vice-Mayor Crowley, Councilmembers Paul, Starkey, and Caletka. Also present were Acting Town Administrator Cohen, Town Attorney Kiar, and Town Clerk Muniz recording the meeting.

3. OPEN PUBLIC MEETING

Dan Pignato urged everyone to vote and asked Council to approve a Fire Department contract as soon as possible.

Patrick McAnany, Cub Scout Chairman, thanked the Town for allowing the pack to participate in various Town ceremonies.

Cindy Burre, 3000 South Hiatus Road, Cub Scout Mom for Den 8, thanked the Town as well.

John Rayson, Mayor of Pompano Beach, introduced himself as a candidate for Circuit Court Judge in Group 57 and urged everyone to vote.

Richard Bendel explained that the Certificate of Occupancy for his new home was being held up due to a landscape issue. He distributed photos of the property to Council and explained that he was "at an impasse." Mr. Bendel wanted to maintain some trees the Town considered invasive to help screen his property from his neighbors. He said he was willing to indemnify the Town for the trees' falling and causing damage to his neighbor's home. Mr. Bendel also offered to remove the trees when the property to the west was developed.

Councilmember Starkey said that she had advised Mr. Bendel to come before Council to request action, as he had been unable to come to an agreement with staff. She felt Mr. Bendel's indemnifying the Town and a phased replace and remove plan was a viable option to deal with the situation.

Councilmember Paul felt the trees should be allowed to remain on the property. Vice-Mayor Crowley felt this was "kind of petty" and if it were an agenda item, he would vote to give the Bendels their Certificate of Occupancy immediately. Mayor Truex wanted "some logical way to consider it and apply some criteria" to avoid this becoming a precedent to allow all invasive trees to stay. Mr. Cohen agreed they should stay in line with the Code, and indicated that he could create an agreement to include a timeline for compliance within the week, and the Certificate of Occupancy could be issued immediately.

Barbara Tilley, 1941 SW 87 Avenue, thanked Programs Manager Susan Dean for pursuing the bus issue and getting two busses into Ms. Tilley's park. She also thanked the Code Enforcement Division for responding to a complaint regarding the Arrowhead tennis courts, resulting in their cleanup.

Ms. Tilley said she had sent a letter to Council stating that the Park City Estate residents were paying twice for street lighting in many areas of their park, through property taxes and again through maintenance fees. She presented a copy of an FPL bill paid by their management company and requested that Council put this item on their November 15, 2006 agenda for discussion and a decision. Vice-Mayor Crowley asked Mr. Cohen to address this in his comments this evening.

Casey Kiar Lee introduced herself and asked residents to vote for her to the Central Broward Drainage Control District Zone 1.

Stewart Alvarez, 12791 SW 26 Street, expressed opposition to the rezoning and variance for the Vietnamese Buddhist Cultural Center of Florida. Mayor Truex advised those wishing to speak on this item to wait until the item was heard later on the agenda.

Philip Busey, 837 SW 120 Way, urged residents to vote and asked them to vote for Martin Kiar for State Representative from House District 97.

TOWN COUNCIL MINUTES

NOVEMBER 1, 2006

Raul Ramos, Davie firefighter, discussed why he had become a firefighter and why he wanted to work in Davie. He asked Council to grant them a fair contract.

Robert Belizaire thanked Council for working with them toward resolving the Fire Department issues. He asked Council to grant them a better contract than what they had been offered so far.

Sylvia Clements paid tribute to Ralph Sessa, Roger Hawkes, owners of Triple-R Paving and their security guard, who had all passed away the previous week.

John LaDue informed Council about safety issues at the linear park west of Hiatus Road.

Mayor Truex advised that the petitioner for item 6.1 was requesting a tabling. He asked if Council objected to hearing from a neighborhood representative. No objections were noted.

Councilmember Starkey requested reconsideration of the variance request that had passed at the previous Council meeting to re-hear that item again when the rezoning item was heard.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to reconsider the variance request that was approved at the previous Council meeting. In a voice vote, with Mayor Truex dissenting, all voted in favor. Later in the meeting, Mayor Truex asked that his vote be changed to be in favor of the reconsideration due to the problem with notifications. (Motion carried 5-0)

Stewart Alvarez, 12791 SW 26 Street, said that he and several of his neighbors were opposed to the rezoning and variance request because of the increased traffic it would cause. He felt that the rezoning was inconsistent with the land use for that area. Mr. Alvarez thought that notification was not properly made to all the neighbors. He added that the residents had met with Councilmember Starkey to discuss their concerns.

Planning and Zoning Director Bruce Dell advised that there had been "some kind of glitch" in the GIS system used to issue the notifications. He said that staff would extend the notification area to the other side of 26th Street for the November 15th meeting.

Councilmember Starkey made a motion, seconded by Councilmember Paul, to table the variance and the rezoning items to the November 15, 2006 meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

Mayor Truex announced that item 4.22 was being added. Mr. Cohen explained that there was a waiver request that should have been heard as a consent item that went along with item 6.2.

Councilmember Starkey made a motion, seconded by Mayor Truex, to add item 4.22 to the agenda. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - no; Councilmember Starkey - no. (Motion carried 3-2)

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1. September 6, 2006 (Special Meeting)
- 4.2. September 6, 2006 (Regular Meeting)
- 4.3. September 12, 2006 (Workshop Meeting)
- 4.4. September 14, 2006 (Workshop Meeting)

Proclamation

- 4.5. David Posnack Jewish Community Center Day (November 4, 2006)

**TOWN COUNCIL MINUTES
NOVEMBER 1, 2006**

Resolutions

- 4.6. **CONTRACT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A CONTRACT WITH THE FIRM OF MAYER HOFFMAN MCCANN, P.C. TO ASSIST THE TOWN IN NEGOTIATIONS WITH CERTAIN VENDORS TO RECOVER OVERPAYMENTS IDENTIFIED IN MAYER HOFFMAN MCCANN'S AUGUST 31, 2006 REPORT. (\$10,000) (tabled from October 18, 2006)
- R-2006-277 4.7. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RENEWING AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND GRANDE CONSULTING, INC. TO REPRESENT THE TOWN OF DAVIE FOR LEGISLATIVE AND GOVERNMENTAL CONSULTING SERVICES, AND PROVIDING FOR AN EFFECTIVE DATE. (\$38,000/year) (tabled from October 18, 2006)
- R-2006-278 4.8. **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT BETWEEN IVANA A. OTERO-SPISAK FOR THE RENTAL OF THE BERGERON RODEO GROUNDS FOR A HORSE CLINIC. (\$2,100)
- R-2006-279 4.9. **SCRIVENERS ERROR** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AMENDING RESOLUTION R-2006-221 RELATING TO LINEAR PARK GAZEBO RE-ROOFING ADOPTED AUGUST 16, 2006 BY CORRECTING A SCRIVENERS ERROR, AND PROVIDING AN EFFECTIVE DATE.
- R-2006-280 4.10. **SELECTION OF FIRM** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF GC WORKS, INC. TO DESIGN/BUILD A CRIME LAB AT THE POLICE DEPARTMENT AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.
- R-2006-281 4.11. **GRANT APPLICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION, APPROVAL AND EXECUTION OF A GRANT FOR FUNDING FOR THE 2007/2008 CULTURAL YOUNG AT ART AND BALLET PROGRAM ADMINISTERED BY THE BROWARD CULTURAL COUNCIL, EDUCATION AND COMMUNITY DEVELOPMENT PROGRAM IN THE AMOUNT OF \$60,000. (up to a \$30,000 grant with a cash match of 50%)
- R-2006-282 4.12. **JOB CLASSIFICATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA AUTHORIZING THE ESTABLISHMENT OF A JOB CLASSIFICATION TITLE, JOB CLASSIFICATION SPECIFICATION, AND SALARY RANGE FOR THE JOB CLASSIFICATION OF FINANCE AND BUDGET ANALYST; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

TOWN COUNCIL MINUTES
NOVEMBER 1, 2006

- 4.13. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE CONTRACTS BETWEEN THE TOWN AND PACESETTER PERSONNEL, A-1-A EMPLOYMENT OF MIAMI, AND TEMPORARY PERSONNEL CONSULTANTS, INC. FOR TEMPORARY FIELD STAFF.
- 4.14. **CONTRACT EXTENSION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING AN EXTENSION TO THE CONTRACTS BETWEEN THE TOWN AND ATRIUM PERSONNEL, INC. D/B/A TRANSHIRE AND A-1-A EMPLOYMENT OF MIAMI FOR TEMPORARY OFFICE STAFF.
- R-2006-283 4.15. **WAIVING BIDDING/AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA WAIVING FORMAL BIDDING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BELLSOUTH FOR THE PURCHASE OF THE 'SMARTRING' SERVICE COMMUNICATIONS NETWORK FOR A PERIOD OF 60 MONTHS. (\$84,108)
- R-2006-284 4.16. **WAIVING BIDDING/AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA WAIVING FORMAL BIDDING AND AUTHORIZING THE MAYOR TO EXECUTE AGREEMENTS WITH BELLSOUTH FOR THE PURCHASE OF THE DATA AND VOICE COMMUNICATION SERVICES FOR A PERIOD OF 24 MONTHS. (\$47,355)
- R-2006-285 4.17. **WAIVING BIDDING/AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA WAIVING FORMAL BIDDING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH BELLSOUTH FOR THE PURCHASE OF THE PRIMARY RATE INTERFACE COMMUNICATIONS SERVICES FOR A PERIOD OF 25 MONTHS. (\$56,956)
- R-2006-286 4.18. **AGREEMENT RENEWAL** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, RENEWING AN AGREEMENT BETWEEN THE TOWN OF DAVIE AND DAVID K. SIGERSON, JR. OF ERICKS CONSULTANTS, INC. TO REPRESENT THE TOWN OF DAVIE FOR LEGISLATIVE AND GOVERNMENTAL CONSULTING SERVICES FOR FISCAL YEAR 2006/2007. (not to exceed \$38,000)
- R-2006-287 4.19. **EMPLOYMENT AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE AN EMPLOYMENT AGREEMENT BETWEEN THE TOWN AND TOWN ADMINISTRATOR, GARY P. SHIMUN; AND PROVIDING FOR AN EFFECTIVE DATE.
- R-2006-288 4.20. **PLAT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE PLAT KNOWN AS "OAK LANDINGS" AND AUTHORIZING THE MAYOR AND TOWN CLERK TO ACKNOWLEDGE THE APPROVAL BY AFFIXING THE MAYOR'S SIGNATURE AND THE TOWN SEAL TO SAID PLAT; AND PROVIDING AN EFFECTIVE DATE. (P 11-2-05, Oak Landings, 6501 and 6641 SW 41 Street) *Planning and Zoning recommended approval*

TOWN COUNCIL MINUTES
NOVEMBER 1, 2006

Quasi-Judicial Consent Agenda

4.21. SP 11-7-05, Oakes Landings, 6501 and 6641 SW 41 Street (RM - 16) *Site Plan Committee based on staff's comments and the following: 1) the applicant is to work with staff to increase the width of the compact parking spaces to ten-foot wide where possible and subject to Engineering's approval that the sidewalks could be reduced to four-foot widths; 2) the chain-link fence will be black vinyl-clad; 3) to replace the front five hardwood trees to five Royal Palms, four-foot grey wood; and 4) if the two Live Oaks and one Slash Pine do not make it through the construction process, the applicant must replace them caliber-inch for caliber-inch on the site. If there is no room on the site, they can donate them to the Town*

Councilmember Paul pulled items 4.20 and 4.21. Councilmember Starkey pulled items 4.10, 4.12, 4.18, 4.19 and 4.22. Councilmember Caletka pulled items 4.1, 4.13 and 4.14. Mayor Truex pulled items 4.6 and 4.7. Mr. Kiar pulled item 4.2.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda minus items 4.1, 4.2, 4.6, 4.7, 4.10, 4.12, 4.13, 4.14, 4.18, 4.19, 4.20, 4.21 and 4.22. In a voice vote, all voted in favor. (Motion carried 5-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.1 Councilmember Caletka noted that on page 5, on the vote concerning item number 3, he had been the dissenting vote, not Vice-Mayor Crowley.

Councilmember Caletka made a motion, seconded by Vice-Mayor Crowley, to approve as amended. In a voice vote, with Councilmember Paul being out of the room, all voted in favor. (Motion carried 4-0)

4.2 Mr. Kiar noted three words that should be deleted on page 2.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve as amended. In a voice vote, with Councilmember Paul being out of the room, all voted in favor. (Motion carried 4-0)

4.6 Mayor Truex remembered a memorandum from the forensic accountants clarifying the scope of the services. Vice-Mayor Crowley advised that a request had been received to table this item.

Budget and Finance Director William Underwood advised that the engagement letter defining the scope that the forensic accountants would act on behalf of the Town in negotiating possibly settlements with questionable costs.

Vice-Mayor Crowley made a motion, seconded by Councilmember Caletka, to table this item to the November 15, 2006 meeting.

Mayor Truex advised that the attorney's request to table was no reason to table, as there were no allegations being discussed at this meeting. Councilmember Paul stated that a request for the documentation had been made sometime ago, but the information was only recently received. Vice-Mayor Crowley hoped that the issue could be resolved in-house. Councilmember Starkey indicated that several issues needed to be resolved and she thought it might be a good idea for the forensic accountants negotiate to try to resolve the issues.

In a voice vote, all voted in favor. (Motion carried 5-0)

4.10 Councilmember Starkey felt the backup for this item was limited; in particular, she wanted a cap on the costs for the project. She requested that additional information be provided, including funding sources.

TOWN COUNCIL MINUTES
NOVEMBER 1, 2006

Mr. Underwood explained that at this stage, staff did not have a cost estimate. He explained that this item was to approve the recommendation of the Selection Committee to negotiate with the contractor. Mr. Underwood confirmed that approval of this item would not cost the Town anything.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve item 4.10 with the condition that the maximum not exceed \$130,000 and that funding be obtained through the Law Enforcement Trust Funds and/or Police Impact Fees. In a voice vote, all voted in favor. (Motion carried 5-0)

4.12 Councilmember Starkey requested a corrected version of the job description. Human Resources Director Mark Alan said that Council should have received the corrected version to which Councilmember Starkey referred. He informed Councilmember Caletka that education and experience criteria were included.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve the corrected version. In a voice vote, all voted in favor. (Motion carried 5-0)

4.13 and 4.14 Councilmember Caletka asked that items 4.13 and 4.14 be considered at the same time. No objections were noted.

Councilmember Caletka stated that the agency had asked for \$10.33 per hour, however, he wanted the amount changed to \$9.25 per hour. This represented a 3% increase over last year plus a \$.35 increase reflecting the increase in the minimum wage plus another 3% on top of that. He recommended that the items be tabled to the next meeting. Councilmember Caletka would, in the meantime, provide the proper figures to staff and have staff address Mr. Kiar's concerns regarding the corporation. Mayor Truex said they could also obtain the company's agreement to Councilmember Caletka's pricing.

Councilmember Caletka made a motion, seconded by Councilmember Starkey to table items 4.13 and 4.14 to their November 15, 2006 meeting. In a voice vote, all voted in favor. (Motion carried 5-0)

4.19 Councilmember Caletka stated that he had been contacted by a citizen requesting open public comments on this item.

Mayor Truex opened the public hearing portion of the meeting.

Sylvia Clements thought a probationary period should be included in the contract.

There being no more members of the public wishing to speak on the item, Mayor Truex closed the public hearing.

Mayor Truex stated that there had been "give and take" during the negotiations and advised that the salary amount was a slight increase over what the previous town administrator had been making. He advised that there was no probation period and there was a one-year severance package. Mayor Truex indicated that previous town administrators did not have the management experience as Mr. Shimun and asked that Council approve the contract.

Councilmember Starkey expressed concerns with the following: 1) the salary portion of the twelve-month termination agreement; 2) the number of executive days; 3) the lack of a clause stating that the administrator would receive no overtime in the event of an emergency or emergency call out; 4) the lack of a monitoring method of the automobile gas exclusion for personal use of the vehicle; 5) no mention of tuition reimbursement; and 6) the lack of a probationary period

Councilmember Caletka said he felt the contract was fair to the Town and to Mr. Shimun and they had negotiated in good faith. Mayor Truex felt that this contract was fair and Mr. Shimun had been accommodating. He noted that if Mr. Shimun resigned in 90 days, he did not get paid for a year, and if he were fired without cause, he would be paid for a year, which Mayor Truex felt was reasonable. Mayor Truex felt both parties must have some degree of trust entering into this.

TOWN COUNCIL MINUTES
NOVEMBER 1, 2006

Mr. Shimun advised that he could begin as soon as possible, which should be no more than 30 days.

Councilmember Caletka made a motion, seconded by Councilmember Paul to approve the contract, subject to Mr. Shimun's beginning work in 30 days. In a roll call vote, the vote was as follows: Mayor Truex -yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - no. (Motion carried 4-1)

4.20 and 4.21 Councilmember Paul said she had pulled items 4.20 and 4.21 so they could be discussed together. She said she did not like the site plan, including the single-car garages and the unit design.

Jay Evans, representing the applicant, requested that item 4.21 be tabled. He said they had been working with staff for seven months to develop a site plan. He added that this was within the CRA and the units were to be priced under \$300,000, which was within the workforce housing range.

Mayor Truex advised that he would abstain from voting on the item due to a possible conflict.

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to table item 4.21 to the November 15, 2006 meeting. In a voice vote with Mayor Truex abstaining, all voted in favor. (Motion carried 4-0)

4.20 Councilmember Starkey made a motion, seconded by Councilmember Paul, to table. Mr. Evans advised that changing the site plan would not affect the plat and asked Council not to table this request. He indicated that he needed the approved plat to move forward to the County. Councilmember Starkey withdrew her motion.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey, to approve the plat subject to the site plan approval at the next meeting. In a voice vote with Mayor Truex abstaining and Councilmember Caletka being opposed, all voted in favor. (Motion carried 3-1)

4.7 and 4.18 Councilmember Caletka advised that he had spoken with Mr. Grande earlier, who had indicated that he could not attend the meeting because of a family matter, but had provided a list of his activities on behalf of the Town.

Mayor Truex advised that he was in favor of both resolutions and asked Council's intent with David Sigerson's contract

Councilmember Starkey questioned the \$32,000 budgeted indicated in the report. Mr. Cohen explained that \$32,000 had been budgeted, but Council could allot up to \$38,000 using a budget transfer.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve Mr. Sigerson's contract with \$38,000, which included the expenses pursuant to the contract agreement in the backup.

Councilmember Caletka was not convinced that this is the most prudent use of taxpayer monies, and he wanted to cut this lobbyist altogether.

Vice-Mayor Crowley stated that he frequently heard from Mr. Grande but wanted to hear from Mr. Sigerson more often, especially regarding water issues.

Councilmember Paul said she was disappointed that Mr. Sigerson combined their meetings with other municipalities and did not give Davie individual attention and assistance. She also felt his reporting on certain issues could be more thorough. Mr. Sigerson said that during Broward Days, he did combine municipalities with common issues, but made individual appointments for separate issues. Regarding communication, he had recently begun sending updates to individual Councilmembers via email.

Councilmember Caletka was disappointed with Council agreeing to the budget and then now it was regressing "out of favor" with the residents regarding the additional \$6,000. He was not impressed with one lobbyist and was only satisfied with the other. He felt the money from the Tallahassee lobbyist

TOWN COUNCIL MINUTES

NOVEMBER 1, 2006

should be kept and then a lobbyist could be found when the need arose. Councilmember Caletka advised that he would be voting against the issue and the requests should be considered on an individual basis.

Councilmember Starkey noted the achievements made by Mr. Sigerson and his associates, including matching grants totaling several million dollars, as well as the CRA issue. She added that it was very important for the Town to have a Tallahassee lobbyist to work on these issues.

In a voice vote, with Councilmember Caletka opposed, all voted in favor. (Motion carried 4-1)

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve Mr. Grande's contract. In a voice vote, all voted in favor. (Motion carried 5-0)

6. PUBLIC HEARING

Ordinance - Second and Final Reading

- 6.1. **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 9-2-05, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO CF, COMMUNITY FACILITIES DISTRICT; AMENDING THE ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 9-2-05, Vietnamese Buddhist Cultural Center of FL Inc., 2321 SW 127 Avenue) (from A-1 to CF) *Planning and Zoning recommended approval subject to not having to contribute to the "traffic calming phantom fund," however, they had to improve the roadway* {**Approved on First Reading on October 18, 2006 subject to limiting the number of people living on the property to eight people living; the property is deed restricted to only the Vietnamese Buddhist Cultural Center; if a sale takes place, the property shall revert to the A-1 zoning designation; if a special event takes place, the Vietnamese Buddhist Cultural Center has to come back to Council for a temporary use permit for no more than four events per year; and if more than 100 people are at the event on the property at one time, another option will be required. The vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - no; Councilmember Paul - no; Councilmember Starkey - yes**}

This item was tabled earlier in the meeting.

Quasi Judicial Items

- 6.2. **VARIANCE** - V 6-4-06, Ladue, 2961 SW 111 Terrace (R-1) (1 - to increase the height of a fence in the front property setback from 4 to 6 feet; 2 - to increase the height of a fence in the scenic corridor from 4 to 6 feet; 3 - to allow a fence which has greater than 20% opacity; 4 - to allow a fence to be placed at the front of a required landscape buffer, and 5 - which requires a waiver from Town Council, not to provide a scenic corridor buffer of 25 feet) *Planning and Zoning recommended 1) approval subject to it complying with the 40-foot line-of-sight and as long as it did not encroach on the neighbor's property; 2) approval subject to it complying with the 40-foot visual line-of-sight and that it is not encroaching on the neighbor's property; 3) approval; 4) denial; and 5) denial (item 5 did not require Planning and Zoning Board action; however, this waiver request for the scenic corridor does require Town Council action)*

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

TOWN COUNCIL MINUTES

NOVEMBER 1, 2006

Mr. Kiar read the rules of evidence and swore in the witnesses. Mr. Ladue agreed that items 6.2 and 4.22 would be heard together. Mr. Dell summarized the planning report.

Mr. Ladue said he wanted privacy for his family. He explained that there was a walkway across the street that was 12 feet above sea level and anyone on it could see his property.

Councilmember Paul said she did not want to compromise the scenic corridor with the fence placement and questioned if the fence could be moved back but made taller. Mr. Dell thought a berm could be created on which to install the fence to get it higher. Mr. Ladue said he would install landscaping on the frontage of the easement.

Mr. Kiar opened the public hearing portion of the meeting.

Kathy Tibbetts, 2730 Hiatus Road, remarked on the traffic and noise generated on Hiatus Road, and said Mr. Ladue's home was much closer to the road than she was. She indicated that Mr. Ladue had "absolutely no privacy" and she was in favor of granting Mr. Ladue the variance.

Mr. Kiar closed the public hearing.

Council gave their disclosures on this item.

Mr. Dell presented a photo of Mr. Ladue's property adjacent to Hiatus Road.

Mayor Truex advised that he passed Mr. Ladue's property once per week, and stated that the fence should not be in a scenic corridor. Mayor Truex was worried that approving Mr. Ladue's request would set a precedent.

Vice-Mayor Crowley asked if Mr. Ladue intended to install landscaping outside the fence. Mr. Ladue said he had intended to put in grass. Town Engineer Larry Peters informed Council that Mr. Ladue must keep five feet away from the curbing. Vice-Mayor Crowley acknowledged Mr. Ladue's hardship.

Mr. Dell asked that Council's motion specify the fence's distance from the property line so inspections could be accurate. He also wanted the motion to specify that the Town had the opportunity to review any landscaping that would be provided. Councilmember Starkey wanted to make sure the fence did not end up on the easement.

Mayor Truex felt the request should be denied as he felt Mr. Ladue's proposal could not be completed because of drainage issues.

Vice-Mayor Crowley made a motion to approve with the existing location. The motion died for lack of a second.

Vice-Mayor Crowley made a motion, seconded by Mayor Truex, to deny 4.22. In a voice vote with Councilmember Paul opposed, all voted in favor. (Motion carried 4-1)

Regarding item 6.2, Councilmember Paul felt Council should allow Mr. Ladue a bit more height on the fence. Mr. Ladue reminded Council that Planning and Zoning had recommended approval of the variance. Mr. Dell confirmed that the first variance request concerned only increasing the fence height from four to six feet.

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve variance request 1. In a voice vote, with Mayor Truex and Councilmember Caletka opposed, all voted in favor. (Motion carried 3-2)

Councilmember Starkey made a motion, seconded by Vice-Mayor Crowley, to approve variance request 2. In a voice vote, with Mayor Truex and Councilmember Caletka opposed, all voted in favor. (Motion carried 3-2)

Vice-Mayor Crowley made a motion, seconded by Councilmember Paul, to approve variance request 3. In a voice vote, with Mayor Truex and Councilmember Caletka opposed, all voted in favor. (Motion carried 3-2)

TOWN COUNCIL MINUTES

NOVEMBER 1, 2006

Councilmember Caletka made a motion, seconded by Mayor Truex, to deny variance request 4. In a voice vote, with Councilmember Paul and Vice-Mayor Crowley opposed, all approved the motion to deny. (Motion carried 3-2)

Councilmember Caletka made a motion, seconded by Mayor Truex, to deny variance request 5. In a voice vote, with Councilmember Paul and Vice-Mayor Crowley opposed, all approved the motion to deny. (Motion carried 3-2)

6.3. **VARIANCE** - V 8-2-06, Curtiss, 8601 SW 27 Place (R-3) (to reduce the minimum side setback from 15 feet to 7.7 feet) *Planning and Zoning recommended approval*

Mr. Kiar read the rules of evidence and swore in the witnesses. Development Services Director Mark Kutney summarized the planning report.

Mr. Kutney confirmed that the addition would align with the edge of the house that was 7.7' from the property line. He explained to Councilmember Starkey that due to the curved property line, this would bring a portion of the addition closer to the street, but it would still be within the 30-foot front setback.

Griff Williams, representing the applicant, stated that his closest neighbors supported his request.

Mr. Kiar opened the public hearing portion of the meeting. As no one spoke, the public hearing was closed.

Council members provided their disclosures.

Vice-Mayor Crowley made a motion, seconded by Councilmember Starkey to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Crowley - yes; Councilmember Caletka - yes; Councilmember Paul - yes; Councilmember Starkey - yes. (Motion carried 5-0)

7. APPOINTMENTS

7.1. Mayor Truex

- 7.1.1. Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2008) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

- 7.1.2. Senior Citizen Advisory Committee (one exclusive appointment - term expires April 2008) (members shall be a minimum 60 years of age)

No appointment was made.

- 7.1.3. Water and Environmental Advisory Board (one exclusive appointment; term expire April 2008) (insofar as possible, one member shall be a licensed engineer)

No appointment was made.

- 7.1.4. Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

TOWN COUNCIL MINUTES
NOVEMBER 1, 2006

7.2. Councilmember Caletka

Councilmember Caletka appointed Colleen Gulla to the Youth Education Safety Advisory Board.

- 7.2.1. District Boundaries Review Committee (one exclusive appointment from the respective Councilmember's district; term expires upon submittal of recommendation to the Town Council) (members shall be a registered voter)

No appointment was made.

- 7.2.2. Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2008) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

7.3. Councilmember Paul

- 7.3.1. Budget Advisory Committee Board (one exclusive appointment; term expires April 2008) (members shall have experience in a financial related occupation, or similar skills)

No appointment was made.

- 7.4. Unsafe Structures Board (two non-exclusive appointments; terms expire April 2009) (members shall be permanent resident or have their principal place of business within the Town's jurisdiction) (one appointment shall be a plumbing contractor and one appointment shall be a real estate property manager)

No appointments were made.

8. OLD BUSINESS

- 8.1. Fire Station 68 Workshop (deferred from October 18, 2006)

This item was not discussed.

9. NEW BUSINESS

No new business was discussed.

10. MAYOR/COUNCILMEMBER'S COMMENTS
COUNCILMEMBER CALETKA

JULY VACATION. Councilmember Caletka asked Council to consider a July vacation.

REDISTRICTING. Councilmember Caletka stated that he had viewed the District Boundaries Review Committee's maps and noticed a potential Charter violation on a couple of the proposed maps. He indicated that the Charter stated that the new map should be based on the old map and the other statement was that the districts should be "continuous and together." Rather than contacting a Committee member and risking a Sunshine violation, Councilmember Caletka had contacted the consultant, who informed him that "something very political was going on with that situation" and related some statements that had been made. The consultant advised that the Committee had never been provided with Charter language to guide them. Based upon this information and comments made by citizens who had attended the meetings, Councilmember Caletka felt that the Committee had lost its scope.

TOWN COUNCIL MINUTES
NOVEMBER 1, 2006

VICE-MAYOR CROWLEY

THE COMMONS. Vice-Mayor Crowley asked if all the accommodations were being made for the residents for the upcoming Council meeting. Mr. Cohen replied in the affirmative.

COUNCILMEMBER STARKEY

REDISTRICTING. (The following is verbatim) Okay, to the issue of the Boundary Review Committee, the consultant has posted on the website all the criterias that the Board is usually going to be following. As I see it, there had only been maybe three residents from the – other than the electeds that have attended, but – you know, to observe the options and they just voted on the first three options to give a quick report that what was supporting it six to three to move three variations of the options forward. Most of those did follow the criteria and others were going to go back and be tweaked and there's still, I think as of today, they were supposed to put in even more additional options. So, there is no final decision being made and those recommendations and the criteria of which to use, the consultant that was hired had gone over all those recommendations and criteria of what they looked at, as far as in determining their boundaries and gave those variations of the options. I don't understand why you would take offense to it being political. I can't think of anything more political lately other than the Town Administrator that has been, next to the next election, that these items would be very political of nature. And in trying to preserve communities that folks have probably been involved with or lived in and that's irrelevance to some people, but it's probably very relevant to others and I think it's a very political issue and I think you can't take the politics out of redistricting. To do or think so is very naïve because, without a doubt, if you look at redistricting at the State, County, or local level, it's all about politics and it's all about the districting. And, as a former President of the League of Women Voters for Broward County who used to look at redistricting School Board members, County Commission, House seats, etc., you want to look at those criterias very seriously and make sure that we comply with as many of those to make sure we're looking at not gerrymandering those districts and making sure that they are compact and appropriate as possible. So just because the vote went six-three to pass some options, I don't know that that should be of a great concern to this Council because I think they're doing a great job and so is the consultant at providing adequate information on those maps as quickly as possible. If there is information that is provided, I think it's important - Charter - it should have been presented to everyone at that time and I believe it was as it related to criterias and so forth of what usually is legally defensible. And that was one of the reasons why I thought an attorney might be necessary to oversee it when I made the recommendations a long time ago. And that's about it on that issue.

~~Councilmember Starkey said that the consultant had posted all the criteria that the Committee was using on the Town's website. The Committee had already voted to move forward with three of the options, which did follow the criteria. She added that more options were to be presented and no final decision had been made. Councilmember Starkey indicated that the consultant had reviewed the criteria with the Committee.~~

THANKS. Councilmember Starkey thanked Town staff for helping to resolve a situation with one of her homeowner associations.

EVENTS AT PINE ISLAND. Councilmember Starkey advised that last weekend, the Town's Halloween event and the Rising Star Softball event were held at Pine Island. She indicated that because of the two events, there was inadequate parking. Councilmember Starkey indicated that what was most disturbing was that a passion party had been held on the opposite side of the stage as the Halloween costume judging. She felt it unacceptable for staff to allow this type of activity in a public park, especially around children. Councilmember Starkey did not want to allow this type of activity in the future.

**TOWN COUNCIL MINUTES
NOVEMBER 1, 2006**

Mayor Truex asked Mr. Cohen if this sort of activity could be banned. Mr. Cohen stated the information provided by the event sponsor stated that this type of activity would not take place. Therefore, this event was scheduled under false pretenses and the sponsor would not be permitted to rent space again. Councilmember Starkey wanted to know what staff member was responsible for monitoring the event. Mr. Cohen said the Parks and Recreation Department would provide Council with a report on this incident.

MAYOR TRUEX

SHUFFLEBOARD TOURNAMENT. Mayor Truex reminded Council that the Town had sponsored \$300 for the Park City shuffleboard tournament in the past and asked if any member was opposed to doing so this year. No Council member was opposed.

OPEN SPACE BOND FUNDS. Mayor Truex advised that the Parks and Recreation Advisory Committee was asking that the open space bond funds be used for certain park improvements. He stated that he was not certain that he was in favor of any or all the items on the list and asked if this issue would be coming before Council. Mr. Cohen responded that the allocation for bond funds would be directed by the Councilmember in the district requesting the improvement. He added that staff would identify what district each suggestion corresponded to and provided to Council.

COMPLAINTS. Mayor Truex stated that he had received multiple complaints regarding building permits and inspections. Vice-Mayor Crowley and Councilmember Starkey advised that they had also received complaints. Mayor Truex indicated that this needed to be worked on.

11. TOWN ADMINISTRATOR'S COMMENTS

WORKSHOP. Mr. Cohen stated that Mr. Sigerson wanted to hold a workshop on the Town's legislative items, and had suggested the second week of December. No objections were noted.

12. TOWN ATTORNEY'S COMMENTS

No comments were provided.

13. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 10:23 p.m.

Approved _____

Mayor/Councilmember

Town Clerk

* * * * *

THIS PAGE
INTENTIONALLY
LEFT BLANK

* * * * *